

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

NIEMARK et al

Atty. Ref.: **4662-214**

Serial No. **10/586,127**

Group:

National Phase of: **PCT/NL2005/000039**

Conf. No.: **1799**

International Filing Date: **19 January 2005**

Submitted: **July 17, 2006**

Examiner:

For: **THERMOPLASTIC ELASTOMER COMPOSITION**

* * * * *

October 10, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR 1.182

Sir:

The following comments and attachments are being submitted responsive to the "Decision on Petition" dated September 5, 2007, which set a nominal response due date of November 5, 2007. Specifically, applicants' earlier petition under Rule 182¹ is hereby renewed to accept the Declaration filed November 7, 2006 and vacate the "Notification of Missing Requirements under 35 USC 371 (Form PCT/DO/EO/905)" ("the Notice") based on the following comments and attachments.

Attached hereto is a "Declaration of Marianna Sarkissova-Mikhaylova (née) Sarkissova" which explains that, although she was married at the time the priority PCT Application was filed, she nonetheless elected to use her maiden surname, Sarkissova, instead of her married surname, Sarkissova-Mikhaylova, since she typically used such name in her professional and/or official capacities. However, at the time the above-identified U.S. application was filed, she elected to use her married surname, Sarkissova-Mikhaylova, instead of her maiden surname, Sarkissova. It was apparently this surname discrepancy between the PCT application and the subject US national phase application which gave rise to the Notice.

¹ As noted in the "Decision on Petition" dated September 5, 2007, the applicants' "Response to Notification of Missing Requirements" filed May 17, 2007 was treated as a formal Petition under 37 CFR §1.182 with the appropriate petition fee of \$400 having already been charged to the undersigned's Deposit Account. Hence, this paper is a renewal of such earlier filed Petition.

NIEMARK et al
U.S. National Phase of PCT/NL2005/000039

The attached Declaration makes entirely clear that Marianna Sarkissova-Mikhaylova is one and the same individual as Marianna Sarkissova. Thus, the Notice is moot in that the individual in question is the same person who executed the US national phase application Declaration who also was listed as a co-inventor for purpose of the underlying PCT application.

It is believed therefore that the information supplied to date is sufficient to allow the granting of this Petition and the withdrawal of the Notice so this application may proceed to examination. Such favorable action is solicited.

It is not believed that any further fee is required in order to obtain consideration of the subject paper. However, should the Petitions Examiner deem otherwise, he is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Bryan H. Davidson/

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

NIEMARK et al

Atty. Ref.: **4662-214**

Serial No. **10/586,127**

Group: **(Unknown)**

Filed: **July 17, 2006**

Examiner: **(Unknown)**

For: **THERMOPLASTIC ELASTOMER COMPOSITION**

* * * * *

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF MARIANNA SARKISSOVA-MIKHAYLOVA (née) SARKISSOVA

Sir:

The undersigned Marianna Sarkissova-Mikhaylova (née) Sarkissova, hereby declares and states that:

1. I am a named co-inventor in the above-identified U.S. Patent Application Serial No. 10/586,127 filed on July 17, 2006 ("the US application"), which is the U.S. national phase application of prior-filed PCT/NL2004/0042 filed January 19, 2004 ("the PCT application").
2. Although I was married at the time the PCT Application was filed, I elected to use my maiden surname, Sarkissova, instead of my married surname, Sarkissova-Mikhaylova, since I typically used such name in my professional and/or official capacities. However, at the time the U.S. application was filed, I elected to use my married surname, Sarkissova-Mikhaylova, instead of my maiden surname, Sarkissova.

3. In the intervening period between the filing of the PCT Application and the US application, I have changed my Russian citizenship to citizenship of The Netherlands. As shown in the attached copy of the personal identification page of my new passport issued by The Netherlands (Exhibit A), my official name is Marianna Sarkissova.
4. I am therefore the same individual known both by my professional/official name, Marianna Sarkissova, and by my married name, Marianna Sarkissova-Mikhaylova.
5. I declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,

Date Signed



Marianna Sarkissova-Mikhaylova

Date Signed



Marianna Sarkissova

Valid for all countries / Valable pour tous les pays

OPMERKINGEN VAN BEVOEGDE INSTANTIES

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compétentes pour délivrer le passeport (14)

P A S S P O O R T
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KONINKRIJK DER NEDERLANDEN
KINGDOM OF THE NETHERLANDS / ROYAUME DES PAYS-BAS

P NLD Nederlandse NT8C60105

Sarkissova

Marianna Jurieva

28 AUG/AUG 1965 231554497

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22 MAA/MAR 2007 22 MAA/MAR 2012

Burg. van Meerssen

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EXHIBIT

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